

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE:            BUDGET - CRIMINAL JUSTICE COMMITTEE**

**DATE:                    AUGUST 25, 2009**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS    BELDEN  
                     O'CONNOR  
                     CHAMPAGNE  
                     KENNY  
                     SHEEHAN  
                     MERLINO  
                     TAYLOR  
                     STEC

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR    GERAGHTY

**OTHERS PRESENT:**

KATE HOGAN, DISTRICT ATTORNEY  
JOHN ADAMS, PROBATION SUPERVISOR  
MICHELLE RODRIGUEZ, CONFIDENTIAL PRINCIPAL  
                     STENOGRAPHER  
JOHN WAPPETT, PUBLIC DEFENDER  
JOY LAFOUNTAIN, ASSIGNED COUNSEL  
FREDERICK MONROE, CHAIRMAN  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &  
                     FISCAL SERVICES  
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF  
                     ADMINISTRATIVE & FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISOR TESSIER  
SUPERVISOR BENTLEY  
SUPERVISOR PITKIN  
SUPERVISOR THOMAS  
SUPERVISOR VANNESS  
DON LEHMAN, *THE POST STAR*  
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

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In the absence of the Committee Chairman, Vice-Chairman Belden called the meeting of the Budget Committee to order at 1:00 p.m.

Copies of the 2010 Budget Requests for the District Attorney, Probation, Public Defender and Assigned Counsel were distributed to the Committee members, *copies of which are on file with the minutes.*

Privilege of the floor was extended to John Adams, Probation Supervisor. Mr. Champagne asked what the amount of increase was in the Department's Budget from last year. Mr. Adams stated that revenue had decreased due to reductions in New York State Aid. Mr. Belden stated that 2010 Budget Requests must reflect a zero percent increase and noted the overall Budget increase was approximately \$26,000. Mr. Adams said that he would consult with Robert Iusi, Director of Probation, and resubmit the budget request by September 4, 2009.

Relative to Probation-Drug Test Charges (Code 1585), Mr. Champagne pointed out that the figures for the 2009 adopted and amended budget were \$0 and \$50,000 respectively, and asked if the \$50,000 figure was included in the 2009 Amended Budget appropriation. Mr. Adams replied affirmatively and explained that the fees for drug tests were no longer paid out of the Probation Department budget and had become the responsibility of the offenders. Mr.

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Adams noted that this amount was reported as revenue and an in-kind reduction in expenses. Additionally, he noted a reduction in the Department of Social Services (DSS) contract due to the layoff of two Probation Department employees whose salaries were partially funded through the DSS, impacted the Probation budget.

Motion was made by Mr. Stec, seconded by Mr. Sheehan and carried unanimously to return the 2010 Probation Department Budget Request for further reduction and to submit same by September 4, 2009.

Privilege of the floor was extended to Kate Hogan, District Attorney. Ms. Hogan presented a request to increase the salary of the Crime Victim Specialist, from the Annual Base Salary of \$30,603 to an Annual Base Salary of \$36,634, in Code A.1168. She noted that due to an increase in the amount of grant funding from the Crime Victim's Board, there was no cost to the County. The grant, she stated, provided in-kind contributions.

Ms. Hogan apprised that other revenues had decreased such as the State Aid for the Road to Recovery Program, and inpatient treatment for convicts. Hal Payne, Commissioner of Fiscal & Administrative Services, stated that the Treasurer's Office had reported that funding for the Impact Tools Grant had not been received for 2008 or 2009. Ms. Hogan explained that the Impact Tools Grant funding was received in April 2009; however, she stated, there were no items for which to present vouchers at that time. She summarized that the application was submitted in 2008, with allocations distributed in 2009 and therefore it was not entered in the 2008 budget. She apprised that the grant funds would be reflected in the final months/quarter of the 2009 budget, and vouchers against said funds were now underway.

Mr. Payne pointed out that the position funded through asset forfeiture funds expired on August 23, 2009. Ms. Hogan stated that more funding could be allocated for same and asked why the position expired. Mr. Payne referred to the minutes of the budget meeting held last year which reflected the grant expiration. Ms. Hogan said that she could obtain up to 10% more funding for a position which managed the forfeiture fund for the District Attorney's Office.

Mr. Payne asked if a list could be prepared which reflected all grant funded positions. Ms. Hogan explained that payables were processed by the County Treasurer's Office and not subject to approval from the Board of Supervisors (BOS). She stated the expenditures were not for salaries but for compensation for the cost of administering the account. Ms. Hogan added that if she were notified of the need for funds in the account, she would initiate the payment to the Treasurer for same.

Following Committee review of the 2010 Budget Request, Mr. Stec summarized that \$53,000 in additional revenue, or a decrease in expenses, would be necessary in order to approve the budget request.

Ms. Hogan stated that she would submit the necessary budget request by September 4, 2009.

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Motion was made by Mr. Stec, seconded by Mr. Taylor and carried unanimously recommending that the District Attorney resubmit the 2010 Budget Request by September 4, 2009.

Privilege of the floor was extended to John Wappett, Public Defender, who stated that the 2010 Budget Request amount was equal to the 2009 appropriation of \$452,949.

Mr. Stec apprised that the budget request as presented required \$3,800 in additional revenues or a \$3,800 decrease in expenses, in order to meet Committee approval. Mr. Wappett referenced a transfer of funds in 2009, and Joan Sady, Clerk of the Board, expounded that there had been a transfer of funds in the amount of \$1,700 from subscriptions for correction of an error according to JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services.

Following Committee review of the budget Request, Mr. Wappett noted that New York State had discontinued reimbursements for parole hearings. Mrs. McKinstry reiterated the budget shortfall of \$3,800 from 2009. Mr. Wappett stated that his budget was largely salaries for which the staff need was critical due to increased caseloads. Mr. Wappett suggested that he might be forced to absorb car rental expenses incurred by investigators in cases where a County vehicle was not available.

Messrs. Belden and Merlino asked for explanation for the \$17,587 for Code 426 - Subscriptions and Mr. Wappett explained that a new assistant was brought on board mid-year of 2008 for which there were no appropriations for salary. He recapped that the issue was brought before the Criminal Justice Committee at that time and it was decided to place the necessary funds for salary into subscriptions. He stated that he duplicated the process for 2009.

Mr. Kenny stated that it was not appropriate to duplicate the process for 2009 in light of the circumstance. Mr. Payne stated that for the year-to-date, \$11,000 of the \$17,587 remained which could be reduced to cover the shortfall. He further noted that the budget must be unchanged or increased by a minimum of \$1 (one dollar) in order to retain maintenance of effort state funding.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to recommend that the Public Defender resubmit his 2010 Budget Request by September 4, 2009.

Privilege of the floor was extended to Joy LaFountain, Assigned Counsel, who presented the 2010 Budget Request for Legal Defense - Indigents. She apprised that parole and County court appeals, which were funded by the Department, had increased annually for several years.

A discussion ensued.

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Mr. Payne reiterated that a minimum of a \$1 or more must be expended in order to qualify for additional funding. He said the increase in expenditures would need to be reflected in the combined budgets of the Public Defender and Assigned Counsel (Legal Defense - Indigents).

Mrs. McKinstry explained that revenue was received under Code 3025. Chairman Monroe asked if there was a formula for the calculation of same. Mrs. McKinstry stated Rick Murphy, Deputy Commissioner of Fiscal Services, could provide an explanation, and she would ask him to join today's meeting.

A discussion ensued regarding attorney fees.

Mr. Kenny inquired about the Legal/Transcripts Fees (Code 440) of \$325,000. Mrs. LaFountain stated that was for the services of the attorneys that provided services not covered under contract.

Mrs. McKinstry asked Mr. Murphy to address the Committee with regard to the split funds and combined budgets for the Public Defender and Assigned Counsel.

Mr. Murphy expounded that all money received went into Legal Defense - Indigents (Code A.1170). He stated that a report was produced at year-end which combined both departments' expenditures and was then submitted to New York State who withheld a share. Subsequently, he stated, the remaining amount were divided up among all municipalities. He noted that the 2010 figure had to be estimated using 2008 expenditures.

Mrs. McKinstry asked Mr. Murphy if \$200,000 was a viable estimate and Mr. Murphy replied affirmatively and stated that it was approximately \$220,000 in 2007 and \$236,682 in 2008 which deemed the \$200,000 to be a reasonable figure for 2010.

The consensus of the Committee was to recommend that Code 440 - Legal/Transcript Fees, be reduced to \$300,000 and Code 470 - Contract, reduced to \$221,750. ***Note: Subsequent to the meeting, it was determined that Code 470 - Contract, could not be reduced as 2010 contracts had been negotiated.***

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously recommending a revised Budget Request be submitted by September 4, 2009.

As there was no further business to come before the Budget Committee, on motion made by Mr. Stec and seconded by Mr. Champagne, Mr. Belden adjourned the meeting at 2:00 p.m.

Respectfully submitted,  
Joanne Collins, Legislative Office Specialist